IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

OP.No. 2753 of 2002(C)

PETITIONER:

V.V.SAINABA, AGD 25 YEARS,
W/O. SIDHIQUE, VALIYAKATH VADAKKE NALAKATHU HOUSE,
P.O.TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:
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1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, TIRUR.

2. THE VILLAGE OFFICER, TANUR.

3. KERALA STATE VANITHA VIKASANA
CORPORATION LTD., REPRESENTED BY ITS
MANAGING DIRECTOR, K.V. TOWERS, T.C.4/2118,
MARAPPALAM, TRIVANDRUM-4.

R1&2 BY G.P. SMT.SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.4953/2002 IN O.P. NO.2753/2002

DISMISSED:

27.11.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE PHOTOCOPY OF LETTER SENT BY R3 TO THE PETITIONER.

P2: TRUE PHOTOCOPY OF LETTER DT.29.9L.2000 OF R3.

P3: TRUE PHOTOCOPY OF NOTICE DT.29.9.2000 OF R3.

P4: TRUE PHOTOCOPY OF NOTICE DT.24.12.2001 OF R1.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.2753 of 2002

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Dated this the 27th day of November, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of arrears of loan availed by the petitioner from the third respondent. The O.P. was filed more than five and a half years back and this court vide interim order dated 24.1.2002 granted conditional stay on payment of Rs.35,000/-. Government Pleader reported that petitioner has not deposited the amount. If petitioner has not made payment, I see no reason why respondents 1 and 2 should not have proceeded against the petitioner for recovery. If recovery is not continued, then there will be direction to the District Collector to conduct enquiry and take action against respondents 1 adn 2. Whatever objection petitioner has against recovery can be raised before the first respondent for him to consider the same. The O.P. is closed directing respondents 1 and 2 to proceed for recovery after disposal of objection if any filed by the petitioner, as loan is obviously admitted. Government Pleader will forward copy of this judgment to the District Collector for follow-up action.

C.N.RAMACHANDRAN NAIR
Judge

pms